

**EXHIBIT 2**

**Declaration**

STEPHANIE L. WRIGHT, hereby declares pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Commander serving on active duty in the United States Navy. I have served in the U.S. Navy for 20 years, primarily in the field of shore facility management. I currently serve as the Commanding Officer of the Naval Consolidated Brig (hereinafter "Brig") in Charleston, South Carolina.
2. I reported to the Brig as Executive Officer in June 2004 and assumed command in August 2005. My duty is to command 240 multi-service military and civilian personnel operating a \$40 million dollar, 25 acre medium-security military confinement facility with capacity for 288 military prisoners and up to six enemy combatants. Currently Mr. Ali Saleh al Marri is the only Enemy Combatant and he is confined in the Special Housing Unit (SHU), a housing unit configured for maximum custody prisoners.
3. As the Brig's Commanding Officer, all personnel at the facility report to me through the chain of command. There are 240 military and civilian personnel assigned to the Brig's military confinement operation. I estimate that the SHU management team (consisting of the Director of Security, his Deputy and the Technical Director) spends approximately 10 percent of their workweek dealing with issues related to Mr. al Marri during his compliant phases and up to 50 percent during his non-compliant phases. Since my arrival at the Brig, I estimate that I have spent approximately five percent of my typical fifty-hour workweek dealing with issues related to Mr. al Marri's detention, increasing to approximately twenty percent during Mr. al Marri's non-compliant phases.
4. The mission of the facility is to ensure the safety, security, good order and discipline of prisoners and detained personnel as well as to provide programs to prepare military prisoners for a return to civilian life as productive citizens. In my capacity as the Brig Commanding Officer, I am directly responsible for ensuring the security, good order, discipline, and safety of staff, prisoners and detained personnel at the facility.
5. The Brig is a secure, safe detention facility, run in a humane manner. The Brig houses an average of 190 military prisoners who are serving adjudged sentences of less than ten years or who are in pretrial confinement pending a court-martial. Since June 2002 the Brig has also housed several individuals detained as enemy combatants. Mr. al Marri has been detained at the Brig since June 23, 2003.
6. As the Commanding Officer at the Brig, it is my responsibility (and was also the responsibility of my predecessor) to ensure that Mr. al Marri and all other prisoners and detained personnel are treated in a safe and humane manner.
7. I understand that the United States District Court for the District of South Carolina had directed the parties in Mr. al Marri's civil case challenging the conditions of his confinement to advise the Court of Mr. al Marri's current conditions of confinement, whether the pleadings should be amended to reflect current conditions and whether certain claims should be dismissed

as moot. The following specific information is provided regarding Mr. al Marri's present living conditions at the Brig as of this date. It should be understood that his living conditions are fluid based on his levels of compliance and may be adjusted frequently to respond to his behavior.

### **Rules and Compliance**

8. The Brig established rules for all individuals detained at the Brig under an "Enemy Combatant" designation, including Mr. Yusef Hamdi, and Mr. Jose Padilla. Mr. al Marri read and signed an acknowledgement of the rules which govern his living conditions and his treatment at the Brig.<sup>1</sup> These rules are posted in each area of the Special Housing Unit (SHU). As noted below, Mr. al Marri receives clarification of rules and regulations directly from me through direct correspondence(chits) and in his daily conversations with my staff.
9. The Brig gives Mr. al Marri comfort items and privileges as appropriate to reward and encourage his good behavior. As with any high-security facility, safety and security concerns are paramount and must be taken into account when evaluating Mr. al Marri's behavior and any requests for additional privileges.
10. Mr. al Marri is held accountable for obeying the rules of the facility. When Mr. al Marri disobeys the rules, consistent with standard correctional practice, he loses privileges, to include comfort items.
11. When Mr. al Marri disobeys a rule, SHU staff provide me with a written report. I then send a letter to Mr. al Marri, noting the infraction and stating my intention to make a discipline decision based on this report. Mr. al Marri has 24 hours to submit a written response unless he verbally waives that opportunity. If such a statement is submitted by Mr. al Marri, I review it and then send a written letter to Mr. al Marri that annotates my disciplinary decision. Prior to this disciplinary decision being implemented, I coordinate my proposed plan of action with my higher headquarters, specifically the Deputy Commander, Fleet Forces Command.
12. The following are considered Basic Issue items/activities and are not subject to loss by Mr. Al Marri for misbehavior, unless the specific item/activity has been misused in a way that poses a safety or health risk for the detainee or staff:
  - a. Brig-issued mattress and lumbar support cushions
  - b. Blanket
  - c. Clothing (footwear, detainee uniform, undergarments)
  - d. Koran
  - e. Personal hygiene items (toothbrush, toothpaste, soap and toilet paper)
  - f. Three showers per week

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<sup>1</sup> A copy of these rules, signed by Mr. al Marri, is attached as Exhibit A.

- g. Three two-hour outdoor/indoor exercise periods per week
- h. Performing physical exercises and personal hygiene activities within his cell.

13. Mr. al Marri has had periods of non-compliance with Brig rules. His behavior during those periods included, but is not limited to, throwing urine and various projectiles at staff members, defecating on the floor of his cell, smearing food and feces throughout his cell, physically resisting my staff and refusing to obey their directions.

14. When he is acting in a non-compliant manner, Mr. al Marri loses certain privileges for a period of time, depending on the seriousness of the offense. As a result of his behavior, he can lose access to certain comfort items or privileges, including:

- a. Removal of his bible, Tasfir (commentaries on the Koran), Hadith (collections of Islamic writings) and supplemental prayer supplies to include a Kufi (religious headgear), prayer rug, prayer beads and oil
- b. Removal of his clock and wristwatch
- c. Loss of full access to the dayroom outside his cell between 5 pm and 9 pm
- d. Loss of his comfort foam mattress and access to his sizeable desk
- e. Loss of daily access to library materials
- f. Loss of his opportunity for outdoor recreation and showers seven days a week
- g. Loss of unescorted daily showers
- h. Loss of access to cable TV, movies and CDs

### Cell Conditions

15. Mr. al Marri resides in a cell measuring eighty square feet<sup>2</sup> with an exterior window measuring five square feet, which provides sunlight through an opaque window covering. The cell door also has a window, which provides an unimpeded view of the dayroom area.<sup>3</sup>

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<sup>2</sup> By way of comparison, Bureau of Prisons Policy Statement 1060.11 requires that for high security federal prisons, a single-occupancy cell be not less than seventy-five square feet, a medium security prison single-occupancy cell be not less than seventy square feet, and a minimum security cell be not less than sixty-five square feet. Thus Mr. al Marri's cell exceeds the minimum standard for all single occupancy cells in federal prisons. According to SECNAV Instruction 1640.9c, "Department of the Navy Corrections Manual", the minimum dimensions for naval detention cells shall be forty-eight square feet. (2204.1.a(1)). The cells used for the detention of military members at the Brig are approximately 80.5 square feet.

<sup>3</sup> The only exception to his unimpeded view of the common area is the brief time when technicians conduct repairs in the housing unit or staff is conducting cleaning.

16. Immediately outside of his cell is a large dayroom that contains tables and chairs, as well as various items that Mr. al Marri can use for recreation, as detailed below.

17. Mr. al Marri's cell is currently furnished with a bed, a chair with lumbar support and a mirror. This furniture is equivalent to the furnishings in cells occupied by the general prison population at the Brig. The chair lumbar support has been supplemented with additional cushions. When he is compliant, he receives a desk larger than that provided to the general Brig population.

18. Mr. al Marri has a mattress that is the same size and thickness as the mattresses used by the general prison population of the Brig. He is also provided one padded suicide "wrap", three high-security blankets and one pillow with pillow case. When he is fully compliant with Brig rules, he also has a comfort foam support mattress and a padded footstool.

19. The temperature in Mr. al Marri's living area is regularly maintained at the same as the temperature in the living areas for the military members confined at the Brig. Brig personnel monitor the temperatures daily to ensure Mr. al Marri's comfort and the staff routinely adjusts the thermostats up or down upon his request. At times, a portable fan is used to assist in cooling the living area, at Mr. al Marri's request. This fan has been certified as meeting appropriate decibel levels for household use.

20. The staff turn Mr. al Marri's cell lights on and off upon his request.

21. Mr. al Marri requested, and received, an expanded set of cleaning supplies for his cell. When Mr. al Marri is compliant, the staff allows him, per his request, to clean his own cell. Mr. al Marri is provided cleaning supplies for approximately 20 minutes prior to his outdoor recreation (up to seven days a week if requested during compliant periods). During non-compliant periods, the staff cleans Mr. al Marri's cell at least once a week while he is outside in the recreation area. During non-compliant phases the cell is cleaned more often when he floods his cell or disperses food items or human waste throughout his cell.

### **Religious Observance**

22. Brig personnel are sensitive to the religious beliefs and practices of Mr. al Marri. He is provided religiously appropriate meals and items necessary to the observance of his faith. Members of the security forces receive specific cultural training on this issue.

23. Mr. al Marri may worship in his cell or in the dayroom when he is outside his cell. During his detention, he has always been informed of the direction of Mecca for his use during daily prayers. His request for a clock and watch (with a built-in compass) was granted and he has access to those materials when he is fully compliant with Brig rules.

24. Mr. al Marri has a Koran at all times and additional religious items when he is fully compliant. This includes a prayer rug, prayer beads, a *kufi* (religious headgear), prayer oil, the *Tasfir* (commentaries on the Koran), and collections of Islamic writings (*Hadiith*), including the *Saheeh Muslim* and *Saheeh Bukhar*.

25. Although the Brig has, at times, restricted Mr. al Marri's access to a razor for safety and security reasons, a barber is then made available to him in order to facilitate the facial hair requirements of his religious observance. Water is always available to him for purification purposes.

26. The Brig provides special media and supplies for Mr. al Marri's religious activities as well. For example, Mr. al Marri has a portable compact disc player he uses to listen to tapes of the Koran. During the Muslim holy month of Ramadan, the Brig special-ordered dates so that he could celebrate in a religiously-appropriate fashion. Also for Ramadan, the Brig ordered additional religiously-appropriate Meals Ready to Eat (MREs) so that Mr. al Marri could break his fast at times when the Brig's dining facilities were closed. On other days, Mr. al Marri has requested access to MRE when he decides to fast. The staff deliver MREs so that Mr. al Marri has the opportunity to eat at a time that fulfills his religious fasting obligations.

### **Personal Hygiene**

27. The Brig staff ensure Mr. al Marri can maintain his personal hygiene. Mr. al Marri always has access to his personal hygiene materials, either in his cell or, during periods of non-compliance, upon request from Brig staff. This includes toothbrush, toothpaste, soap and toilet paper. He receives clean clothes in his cell every day or upon request. He is permitted to shower seven times per week when fully compliant and three days per week when he is non-compliant with Brig rules.

### **Medical and Mental Health Care**

28. Medical care is always available to Mr. al Marri and is comparable to the care provided to the military members detained at the Brig. During his detention, medical officers (including general practitioners, a neurologist, ophthalmologists, dental surgeons, internists, and an independent duty U.S. Navy Corpsman) have treated him for a variety of medical complaints.

29. Brig medical personnel see Mr. al Marri two to three times a day for medication, as needed. (He is free to refuse medication if he chooses.)

30. Additionally, Mr. al Marri alerts the staff when he has immediate medical concerns. Medical personnel also conduct unscheduled responses to assess his needs—sometimes as many as four times a day. To facilitate medical treatment, the Brig has modified an adjacent cell for use as a medical examination room.

31. To address Mr. al Marri's mental health needs, a licensed Brig mental health provider visits the SHU monthly. These visits can be increased in frequency, if requested by Mr. al Marri, or he can decline to speak with the mental health provider.



### **Interactions with Others**

32. The Brig ensures that Mr. al Marri has the opportunity to interact with Brig staff leaders and individuals from outside the Brig, including his attorneys and members of the International Committee of the Red Cross, and medical personnel.

33. To communicate with his attorneys, Mr. al Marri is allowed unmonitored telephone calls, correspondence, and face-to-face meetings with those attorneys. At Mr. al Marri's request, he has been permitted to meet outside with his attorneys (as well as with the representatives from the International Committee for the Red Cross). The Brig has also permitted his attorneys to deliver food items and reading material to Mr. al Marri during their visits.

34. Mr. al Marri has daily contact with members of the Brig staff who run the detention facility. The staff members on duty make contact with Mr. al Marri throughout each shift and respond to Mr. al Marri's cell each time he alerts the staff by pushing his cell call button. Additionally, senior leaders at the Brig make daily "morale visits" to Mr. al Marri Monday through Friday. There are five staff members on the Morale Visitation Schedule, including the Chaplain. Currently, the schedule for visits has the Chaplain seeing Mr. al Marri Tuesday and Thursday and other staff members responsible for Monday, Wednesday, and Friday visits. The average total weekly contact time between the Brig staff and Mr. al Marri is 6-10 hours.

35. During compliant periods, the Chaplain's visits last approximately an hour with some visits lasting up to two hours. The Chaplain has also complied with Mr. al Marri's request that he research certain religious topics for later discussion.

36. The staff morale visits conducted by my staff members last approximately thirty minutes to an hour. Topics of discussions include, but are not limited to: culture, health and fitness, economics, religion, language, home improvement, family, computers, food, sports, the Bible, American history and confinement conditions.

37. The staff conducting morale visits are mindful of Mr. al Marri's needs and have, on many occasions, waited in the Control Center for Mr. al Marri to conduct his worship activities, eat his meals, exercise in the cell, and/or finish his rest periods before they begin the morale visit. After each command morale visit, the staff complete notify me of any significant information raised by Mr. al Marri during the visit.

38. The SHU Lead Petty Officer (LPO) performs "status checks" with Mr. al Marri each day in order to ascertain whether Mr. al Marri has any concerns or questions that need to be addressed. Mr. al Marri usually posts a "topics for discussion" list on the inside of his cell door and the LPO annotates all issues as they are identified. Since initiating the LPO status checks with Mr. al Marri in April 2006, the staff morale visit times have decreased slightly because many confinement condition issues have already been discussed and addressed during Mr. al Marri's interactions with the LPO.

39. In addition to raising any concerns during the daily morale visits, Mr. al Marri can send questions, comments, and other communications to me through use of the Brig's chit system. He is allowed two chits per day and receives responses from me in writing.

40. Mr. al Marri is periodically visited by personnel with the International Committee of the Red Cross (ICRC). These visits typically last several hours each.

### **Recreational Opportunities**

41. The Brig provides Mr. al Marri with a variety of exercise opportunities. He is permitted up to seven two-hour outdoor recreation periods per week, depending upon his compliance with Brig rules, and he is guaranteed at least six hours per week of recreation even when he is noncompliant.

42. Mr. al Marri can choose a morning or afternoon exercise session, and he is permitted to exercise outside even during excessive heat conditions as long as he does not engage in intense cardiovascular activity.

43. Mr. al Marri's basic clothing allowance includes attire appropriate for exercise, but the Brig recently ordered and delivered extra clothing for his exercise sessions. He receives new exercise shoes as needed.

44. The Brig recently installed a pull-up bar in the dayroom for Mr. al Marri to use when he is in the dayroom or on days when weather does not permit him to exercise outside.

45. Beginning in September 2005, Mr. al Marri was authorized full access to the dayroom between 5 p.m. and 9 p.m. each day when he is in compliance with Brig rules. He may use this time to eat, watch television, or exercise within the dayroom area.

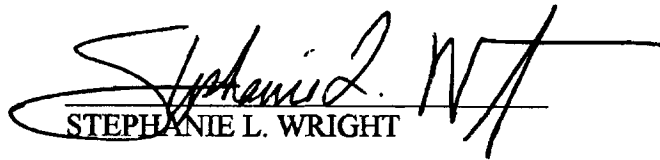
46. Unlike the rest of the Brig population, Mr. al Marri is permitted to set his own sleep schedule and is authorized to stay up as late as he desires for reading, writing or prayer. Staff members will turn on/off his cell light when requested.

47. When compliant with the Brig's rules, Mr. al Marri has access to books from the Brig library and from the Brig Chaplain's library. He is allowed to have three books in his possession at any given time and can exchange those books once a day. Mr. al Marri also has access to newspapers and the Brig purchased a subscription to six different magazines for him. (Brig staff remove all material associated with the War on Terror from them prior to providing them to Mr. al Marri.)

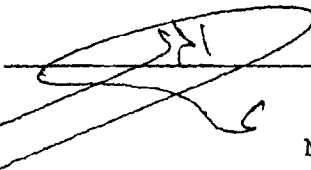
48. Mr. al Marri has access to television in the evenings between 5 p.m. and 9 p.m. and is also permitted to select entertainment and educational movies to watch during that time. Additionally, he is provided a portable compact disk player for his use during his outdoor recreation periods and his television time.



Executed this 15<sup>th</sup> day of July, 2006

  
STEPHANIE L. WRIGHT

EC RULES  
SPECIAL HOUSING UNIT

1. YOU MUST COMPLY WITH RULES, REGULATIONS, AND ORDERS. THEY ARE NECESSARY FOR SAFETY, GOOD ORDER, AND DISCIPLINE.
2. YOU MUST IMMEDIATELY OBEY ALL ORDERS OF U.S. PERSONNEL. DELIBERATE DISOBEDIENCE, RESISTANCE, OR CONDUCT OF A MUTINOUS OR RIOTOUS NATURE MAY BE DEALT WITH BY FORCE.
3. YOU ARE SUBJECT TO DISCIPLINARY OR JUDICIAL PUNISHMENT IF YOU DISOBEY A RULE, A REGULATION, OR AN ORDER OR IF YOU COMMIT ANY ACT, CONDUCT, DISORDER, OR NEGLECT THAT IS PREJUDICIAL TO GOOD ORDER AND DISCIPLINE.
4. YOU MAY RECEIVE DISCIPLINARY PUNISHMENT THAT INCLUDES DISCONTINUING PRIVILEGES IAW THE TREATMENT PROVIDED FOR BY THE GENEVA CONVENTION.
5. YOU MAY NOT HAVE KNIVES, STICKS, METAL PIECES, OR OTHER ARTICALES THAT CAN BE USED AS WEAPONS IN YOUR POSSESSION AT ANY TIME.
6. YOU MAY NOT DRILL OR MARCH IN MILITARY FORMATION FOR ANY PURPOSE EXCEPT AS AUTHORIZED AND DIRECTED BY THE FACILITY COMMANDER.
7. YOU MAY NOT MEET OR ISSUE PROPAGANDA FOR POLITICAL PURPOSES EXCEPT AS AUTHORIZED AND DIRECTED BY THE FACILITY COMMANDER.
8. YOU MAY NOT WEAR OR DISPLAY NATIONAL POLITICAL ITEMS.
9. YOU MAY RETAIN PERSONAL EFFECTS AND PROPERTY THAT ARE AUTHORIZED BY THE FACILITY COMMANDER.
10. DO YOU UNDERSTAND THESE RULES? ☒ YES OR ☐ NO
11. SIGNATURE  10-22-04

NOTICE

A DETAINEE/ENEMY COMBATANT WHO FEARS THAT HIS LIFE IS IN DANGER, OR FEARS THAT HE MAY SUFFER PHYSICAL INJURY AT THE HANDS OF ANOTHER DETAINEE/ENEMY COMBATANT SHOULD IMMEDIATELY REPORT TO A U. S. MEMBER OF THE FACILITY WITHOUT CONSULTING HIS REPRESENTATIVE. THE FACILITY COMMANDER ENSURES ADEQUATE PROTECTION FOR THE VICTIM BY SEGREGATION, TRANSFER, OR OTHER MEANS. A DETAINEE/ENEMY COMBATANT WHO MISTREATS A FELLOW DETAINEE/ENEMY COMBATANT WILL BE PUNISHED.

COMMANDING OFFICER